

Explanation: Brook concedes that Tai discloses an inflatable furnishing as claimed by claim 1. However Tai claims an adjustable, but not a flexibly reclining, backrest as claimed by Brook in claim 2.

Tai's backrest can be (manually) adjusted to either an upright or a horizontal position. This is achieved by relocation of the "setting belts 3" to fix the backrest in one of the two positions.

Brook's backrest automatically flexes to any angle of recline (between upright and approximately horizontal) dependent on the load on the backrest, as claimed in claim 2. The flexible fixing means allows recline of the backrest through a continuous range of angles. The returning force of the backrest towards the upright position is provided by the air pressure in the backrest. This returning force increases with pressurization of the backrest caused by increased deflation of the backrest as air is displaced into the base.

→ Any deflation of Tai's backrest due to increased load on the backrest does not result in recline of the backrest because Tai's backrest is held in the upright position by the setting belts 3.

An embodiment of Brook's flexible fixing means consists of a membrane "neck" joining the backrest to the base. The rear side of this neck, being a flexible membrane, can fold and compress allowing the backrest to recline.

Amalgamated claims 1 and 2:

1. A convertible inflatable furnishing which comprises an inflatable base including a base upper skin which forms a layer of the upper side of the base, a base lower skin which forms a layer of the lower side of the base, and a rim side which links the edge of the upper side of the base to the edge of the lower side of the base, an inflatable backrest, a fixing means to fix the backrest to the base upper skin, and an air passage between the base and the backrest allowing a flow of air between the inside of the base and the inside of the backrest when loads on the base and backrest change;

said fixing means is sufficiently flexible to allow the backrest to recline increasingly with deflation of the backrest including when the backrest is under an increasing load, and allow the backrest to erect increasingly with inflation of the backrest including when the load on the backrest is reducing.

Claims 3, 4, 8-12 and 14-20:

These claims are dependent on the new amalgamated claim 1. This new claim 1 describes an invention which is different to that claimed by Tai. Thus Brook proposes that the dependent claims should not be challenged by Tai's invention.

→ In relation to the examiner's reference to Peterson, Brook claims "an air passage between the base and the backrest" (claim 1). In Peterson, there is no air passage between the base 5 and the backrest 14. The base and the backrest have two

distinct, pneumatically unconnected inflatable chambers. Peterson claims "an inflatable bladder disposed within the pocket" (backrest) in claim 1. Peterson does not claim inflatability of the base until claim 4, where the "inflatable member (is) covered by a fabric shell": i.e. not pneumatically connected to the backrest. The air passage 32 only allows air to be passed into or out of the backrest from outside, but not into or out of the base from the backrest.

In view of this fundamental difference between Peterson and Brook, Peterson should not be considered to anticipate Brook in relation to Brook's first claim, and all the following claims, being dependent on Brook's first claim.

Claim Rejections - 35 USC § 103

The preceding discussion asserts that Peterson does not show the use of the claimed invention. However Brook wishes to remove the obvious design choice data from claim 5 and clarify the claim further.

Amend claim 5 as follows:

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5. The convertible inflatable furnishing of claim 2 wherein a connecting means is provided **inside the base** to connect a region of the base upper skin to a region of the base lower skin with the connecting means being in tension when the base is substantially inflated and the connecting means having such a length as to constrain horizontal mobility of the base upper skin **relative to the base lower skin**.

Note that the bold text has been added and the text specifying displacement and force has been deleted.

Brook also wishes to remove the obvious design choice data from claim 13.

Amend claim 13 as follows:

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~~13. The convertible inflatable furnishing of claim 9 wherein the volume of air in the inflated backrest is sufficient to vary the inflation of the base from firm when the backrest is empty to soft when the backrest is full,
and the outer shape of the base has a horizontal breadth enabling the base, when rotated onto the rim side, to support the torso of a person at a height where massage and other body manipulation and stretching are facilitated,
and the outer shape of the base upper skin has a horizontal width, transverse to the usual direction of sitting, enabling the base upper skin to puff upward beside the outer sides of a sitter's thighs thereby providing armrests.~~

Note that all references to specific lengths have been deleted.

In consideration of the rejection of claim 7, please note again the earlier discussion that asserts that Peterson does not show the use of the claimed invention.

Gancy discloses the use of elastic material in the connecting means. The purpose of the elastic material in Gancy is to affect the tactile response of the user to the body-

supporting upper wall of the cushion. Whereas the elastic material in Brook's claim 7 modifies "the supporting force tending to maintain erection of the backrest", "resulting from increased compression of the backrest". Thus Brook's inclusion of elastic material serves a non-obvious function in view of Gancy.

In her conclusion, the examiner made reference to No.6,152,530, Hsu et al. Hsu et al uses independent air chambers thereby having a fundamental difference to the invention claimed by Brook.

In the list of references the examiner listed No.6,382,729, Wu. Wu has a base and backrest with pneumatically connected air chambers. However, the backrest is supported by "a pair of back upright members", wherein no claim of flexibility and recline is made, thereby having a fundamental difference to the invention claimed by Brook.

Brook has no previous experience with responding to examiner's findings. He would appreciate any explanations the examiner can provide of any point of law not understood.

Regards,



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